

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

M8

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/127, 117 07/29/98 BALRAM

N 3331

ac  
[REDACTED]  
SANJAY PRASAD  
FENWICK & WEST  
TWO PALO ALTO SQUARE  
PALO ALTO CA 94306

LM01/0719

EXAMINER

KOSTAK, V

ART UNIT

PAPER NUMBER

2714

3

DATE MAILED:

07/19/99

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. <b>09/127,117</b>	Applicant(s) <b>Balram et al.</b>
Examiner <b>Victor R. Kostak</b>	Group Art Unit <b>2711</b>

Responsive to communication(s) filed on \_\_\_\_\_.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-22 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 1-20 is/are allowed.

Claim(s) 21 is/are rejected.

Claim(s) 22 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2711

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al.

The system of Chen (Fig. 2) involves identifying scene changes or motion (col. 3 lines 18-34) using subtractor 235; whereby element 240 stores an accumulated motion value; element 230 and threshold element 235 serve as a status register, based on the output of element 240 and further data from element 225. From that arrangement, frames can be identified and captured by providing accumulator with data which further modifies a motion threshold (element 250).
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. Claims 1-20 and 22 appear allowable over the prior art.

Art Unit: 2711

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak, whose telephone number is (703) 305-4374. The examiner can normally be reached on Mon. - Fri. from 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5359 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Application/Control Number: 09/127,117

Page 4

Art Unit: 2711

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

VRK  
July 15, 1999

*L.R.K.*

**VICTOR R. KOSTAK**  
**PRIMARY EXAMINER**